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Michael F. Burkart, Chapter 7 Trustee
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6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8 **SACRAMENTO DIVISION**

9 In re:
10 **CARLOS V. MARQUEZ and**
11 **DELFINA M. MARQUEZ,**
12 Debtors.

Case No. 10-21404-C-7
DCN: DD - 01
DATE: March 9, 2010
TIME: 9:30 A.M.
DEPT: C
COURTROOM: 35 (6th Floor)

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14 **TRUSTEE'S OBJECTION TO DEBTORS' MOTION FOR ORDER COMPELLING**
15 **TRUSTEE TO ABANDON DEBTORS' PROPRIETORSHIP BUSINESS and**
16 **TRUSTEE'S MOTION FOR TURNOVER OF PERSONAL PROPERTY**

17 TO: THE HONORABLE CHRISTOPHER M. KLEIN, CHIEF JUDGE, U. S. BANKRUPTCY
18 COURT; THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED
19 DEBTORS; AND, THE DEBTORS' ATTORNEY.

20 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned Trustee,
21 hereby opposes the Debtors' Motion for an Order Compelling Trustee to Abandon Debtors'
22 Proprietorship Business. The Trustee hereby requests an order denying the Debtors' Motion for
23 Abandonment. The Trustee further requests an order compelling the Debtors to turn over all non-
24 exempt funds maintained in the Debtors' bank accounts and the accounts receivable, or its cash
25 equivalent, and the 2006 Honda Civic.

26 As grounds for this statement of opposition and motion for turnover, the newly appointed
Trustee represents the following:

1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on January 21, 2010, and an Order
for Relief was entered thereon.

1 2. Michael F. Burkart was appointed as the Interim Chapter 7 Trustee on or about January
2 21, 2010, and continues to serve in that capacity.

3 3. The Debtors' Schedule "B" and "C" filed on January 21, 2010, disclosed personal
4 property described and corresponding monetary exemptions delineated as follows:

<u>Description of Asset</u>	<u>Market Value of Asset</u>	<u>Authority For Exemption</u>	<u>Exemption Claimed</u>
Currency & Coin	\$100.00	n/a	0.00
Savings – US Bank	100.05	n/a	0.00
Savings – US Bank	50.00	n/a	0.00
Checking – US Bank	126.28	n/a	0.00
Checking – US Bank	151.39	n/a	0.00
Checking – US Bank (Business)	70.38	n/a	0.00
Checking – Bank of America	20.00	n/a	0.00
Accounts Receivable	730.00	n/a	0.00
2006 Honda Civic (100,000 miles)	\$11,575.00	§704.010	\$2,550.00
" "	"	§704.060	4,850.00

12 4. The Debtors' Schedule "D" also filed on January 21, 2010, disclosed no indebtedness nor
13 obligations secured by the 2006 Honda Civic.

14 5. The first §341(a) Meeting of Creditors and the Debtors' Examination was conducted and
15 concluded on February 18, 2010.

16 6. The undersigned Trustee asserts that the subject property is not burdensome and warrants
17 administration by the Trustee for the benefit of the unsecured creditors.

CONCLUSION

18 WHEREFORE, the Trustee prays that an order be entered denying the Debtors' Motion for
19 Abandonment pertaining to non-exempt personal property and approving the Trustee's Motion for
20 turnover of all non-exempt funds maintained in the Debtors' bank accounts and the accounts
21 receivable, or its cash equivalent, and the 2006 Honda Civic to the Chapter 7 Trustee as set forth
22 herein above.

23 Respectfully submitted,

24 Dated: Feb. 22, 2010

/s/ Michael F. Burkart

25 Michael F. Burkart, Chapter 7 Trustee